



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

DEC 14 1999

Mr. Steven T. Johnson  
Bi-Met Company  
Suite #3  
165 Denrose Drive  
Amherst, NY 14228

Ref. No. 99-0237

Dear Mr. Johnson:

This is in response your letter requesting confirmation that the ferrosilicon you purchase and resell is not subject to the Hazardous Materials Regulations (HMR: 49 Cfr Parts 171-180). You state that your product was tested in accordance with the test method described in Appendix E to Part 173, and found it does not meet the definition of a Division 4.3 (Dangerous When Wet) material.

As provided in § 173.22 it is the shipper's responsibility to properly classify a hazardous materials. However, if the ferrosilicon sold by your company is the same material that was tested and determined not to meet the Division 4.3 criteria, it is not subject to the HMR.

I hope this satisfies your request.

Sincerely,

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



990237

173.22

# BI-MET COMPANY

165 Denrose Drive • Suite #3 • Amherst, NY 14228 • Tel/Fax: (716) 691-3546

Twitty  
\$178.22  
99-0237


Mr. Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards  
US Department of Transportation  
Research and Special Programs Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20500

August 23, 1999

Dear Mr. Billings,

The purpose of this letter is to request confirmation that the ferro silicon I purchase and resell is not subject to Hazardous Materials Regulation (HMR; 49 CFR Parts 171-180).  
I purchase Ferro Silicon from American Alloys, and occasionally from Elkem Metals.  
As you can see by the letters included, both Elkem and American Alloys have already received confirmation based on the testing of their respective products.  
Could you please send me the same confirmation based on the fact that I am purchasing ferro silicon from these producers.

Sincerely,

  
Steven T. Johnson